

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative Roberson, K. offered the following:

3

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraphs (l) and (u) of subsection (4) of
 7 section 381.0065, Florida Statutes, are amended to read:

8 381.0065 Onsite sewage treatment and disposal systems;
 9 regulation.—

10 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
 11 not construct, repair, modify, abandon, or operate an onsite
 12 sewage treatment and disposal system without first obtaining a
 13 permit approved by the department. The department may issue
 14 permits to carry out this section, but shall not make the
 15 issuance of such permits contingent upon prior approval by the
 16 Department of Environmental Protection, except that the issuance
 17 of a permit for work seaward of the coastal construction control
 18 line established under s. 161.053 shall be contingent upon
 19 receipt of any required coastal construction control line permit
 20 from the Department of Environmental Protection. A construction

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 375 (2013)

Amendment No.

21 permit is valid for 18 months from the issuance date and may be
22 extended by the department for one 90-day period under rules
23 adopted by the department. A repair permit is valid for 90 days
24 from the date of issuance. An operating permit must be obtained
25 prior to the use of any aerobic treatment unit or if the
26 establishment generates commercial waste. Buildings or
27 establishments that use an aerobic treatment unit or generate
28 commercial waste shall be inspected by the department at least
29 annually to assure compliance with the terms of the operating
30 permit. The operating permit for a commercial wastewater system
31 is valid for 1 year from the date of issuance and must be
32 renewed annually. The operating permit for an aerobic treatment
33 unit is valid for 2 years from the date of issuance and must be
34 renewed every 2 years. If all information pertaining to the
35 siting, location, and installation conditions or repair of an
36 onsite sewage treatment and disposal system remains the same, a
37 construction or repair permit for the onsite sewage treatment
38 and disposal system may be transferred to another person, if the
39 transferee files, within 60 days after the transfer of
40 ownership, an amended application providing all corrected
41 information and proof of ownership of the property. There is no
42 fee associated with the processing of this supplemental
43 information. A person may not contract to construct, modify,
44 alter, repair, service, abandon, or maintain any portion of an
45 onsite sewage treatment and disposal system without being
46 registered under part III of chapter 489. A property owner who
47 personally performs construction, maintenance, or repairs to a
48 system serving his or her own owner-occupied single-family

Amendment No.

49 residence is exempt from registration requirements for
50 performing such construction, maintenance, or repairs on that
51 residence, but is subject to all permitting requirements. A
52 municipality or political subdivision of the state may not issue
53 a building or plumbing permit for any building that requires the
54 use of an onsite sewage treatment and disposal system unless the
55 owner or builder has received a construction permit for such
56 system from the department. A building or structure may not be
57 occupied and a municipality, political subdivision, or any state
58 or federal agency may not authorize occupancy until the
59 department approves the final installation of the onsite sewage
60 treatment and disposal system. A municipality or political
61 subdivision of the state may not approve any change in occupancy
62 or tenancy of a building that uses an onsite sewage treatment
63 and disposal system until the department has reviewed the use of
64 the system with the proposed change, approved the change, and
65 amended the operating permit.

66 (1) For the Florida Keys, the department shall adopt a
67 special rule for the construction, installation, modification,
68 operation, repair, maintenance, and performance of onsite sewage
69 treatment and disposal systems which considers the unique soil
70 conditions and water table elevations, densities, and setback
71 requirements. On lots where a setback distance of 75 feet from
72 surface waters, saltmarsh, and buttonwood association habitat
73 areas cannot be met, an injection well, approved and permitted
74 by the department, may be used for disposal of effluent from
75 onsite sewage treatment and disposal systems. The following
76 additional requirements apply to onsite sewage treatment and

Amendment No.

77 disposal systems in Monroe County:

78 1. The county, each municipality, and those special
79 districts established for the purpose of the collection,
80 transmission, treatment, or disposal of sewage shall ensure, in
81 accordance with the specific schedules adopted by the
82 Administration Commission under s. 380.0552, the completion of
83 onsite sewage treatment and disposal system upgrades to meet the
84 requirements of this paragraph.

85 2. Onsite sewage treatment and disposal systems must cease
86 discharge by December 31, 2015, or must comply with department
87 rules and provide the level of treatment which, on a permitted
88 annual average basis, produces an effluent that contains no more
89 than the following concentrations:

90 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

91 b. Suspended Solids of 10 mg/l.

92 c. Total Nitrogen, expressed as N, of 10 mg/l or at least
93 70-percent reduction of N. A system that has been tested and
94 certified to reduce nitrogen concentrations by at least 70-
95 percent shall be deemed to be in compliance with this standard.

96 d. Total Phosphorus, expressed as P, of 1 mg/l.

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98 In addition, onsite sewage treatment and disposal systems
99 discharging to an injection well must provide basic disinfection
100 as defined by department rule.

101 3. In areas not scheduled to be served by a central sewer,
102 onsite sewage treatment and disposal systems must, by December
103 31, 2015, comply with department rules and provide the level of
104 treatment that meets the effluent limitations provided in

Amendment No.
105 subparagraph 2.

106 ~~43. On or after July 1, 2010, all new, modified, and~~
107 ~~repaired onsite sewage treatment and disposal systems must~~
108 ~~provide the level of treatment described in subparagraph 2.~~
109 ~~However,~~ In areas scheduled to be served by central sewer by
110 December 31, 2015, if the property owner has paid a connection
111 fee or assessment for connection to the central sewer system,
112 the property owner may install a holding tank with a high water
113 alarm or an onsite sewage treatment and disposal system meeting
114 ~~may be repaired to~~ the following minimum standards:

115 a. The existing tanks must be pumped and inspected and
116 certified as being watertight and free of defects in accordance
117 with department rule; and

118 b. A sand-lined drainfield or injection well in accordance
119 with department rule must be installed.

120 4. Onsite sewage treatment and disposal systems must be
121 monitored for total nitrogen and total phosphorus concentrations
122 as required by department rule.

123 5. The department shall enforce proper installation,
124 operation, and maintenance of onsite sewage treatment and
125 disposal systems pursuant to this chapter, including ensuring
126 that the appropriate level of treatment described in
127 subparagraph 2. is met.

128 6. The authority of a local government, including a
129 special district, to mandate connection of an onsite sewage
130 treatment and disposal system is governed by s. 4, chapter 99-
131 395, Laws of Florida.

132 7. Notwithstanding any other provision of law, an onsite

Amendment No.

133 sewage treatment and disposal system installed after July 1,
134 2010, that complies with the standards in subparagraph 2. is not
135 required to connect to a central sewer system until December 31,
136 2020.

137 (u)1. The owner of an aerobic treatment unit system shall
138 maintain a current maintenance service agreement with an aerobic
139 treatment unit maintenance entity permitted by the department.
140 ~~The maintenance entity shall obtain a system operating permit~~
141 ~~from the department for each aerobic treatment unit under~~
142 ~~service contract.~~ The maintenance entity shall inspect each
143 aerobic treatment unit system at least twice each year and shall
144 report quarterly to the department on the number of aerobic
145 treatment unit systems inspected and serviced. The reports may
146 be submitted electronically.

147 2. The property owner of an owner-occupied, single-family
148 residence may be approved and permitted by the department as a
149 maintenance entity for his or her own aerobic treatment unit
150 system upon written certification from the system manufacturer's
151 approved representative that the property owner has received
152 training on the proper installation and service of the system.
153 The maintenance entity service agreement must conspicuously
154 disclose that the property owner has the right to maintain his
155 or her own system and is exempt from contractor registration
156 requirements for performing construction, maintenance, or
157 repairs on the system but is subject to all permitting
158 requirements.

159 3. A septic tank contractor licensed under part III of
160 chapter 489 may not be denied access by the manufacturer to

Amendment No.

161 aerobic treatment unit system training or spare parts for
162 maintenance entities. After the original warranty period,
163 component parts for an aerobic treatment unit system may be
164 replaced with parts that meet manufacturer's specifications but
165 are manufactured by others. The maintenance entity shall
166 maintain documentation of the substitute part's equivalency for
167 2 years and shall provide such documentation to the department
168 upon request.

169 4. The owner of an aerobic treatment unit system shall
170 obtain an annual system operating permit from the department.
171 The owner shall allow the department to inspect during
172 reasonable hours each aerobic treatment unit system at least
173 annually, and such inspection may include collection and
174 analysis of system-effluent samples for performance criteria
175 established by rule of the department.

176 Section 2. This act shall take effect July 1, 2013.

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T I T L E A M E N D M E N T

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Remove everything before the enacting clause and insert:

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An act relating to onsite sewage treatment and disposal systems;

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amending s. 381.0065, F.S.; requiring systems in certain areas

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of Monroe County to comply with specified rules and standards;

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providing that certain systems constitute compliance with

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nitrogen standards; deleting a requirement for new, modified,

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and repaired systems to meet specified standards; providing that

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certain systems in Monroe County are not required to connect to

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 375 (2013)

Amendment No.

189 the central sewer system until a specified date; authorizing
190 electronic submission of certain reports; authorizing certain
191 property owners to be approved and permitted as maintenance
192 entities for aerobic treatment unit systems under certain
193 conditions; providing requirements for such maintenance entity
194 service agreements; prohibiting manufacturers from denying
195 certain septic tank contractors access to aerobic treatment unit
196 system training and spare parts; authorizing certain replacement
197 parts for aerobic treatment unit systems; requiring maintenance
198 entities to maintain documentation for such replacement parts;
199 providing an effective date.

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